

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 H-03 NSC-10 CIAE-00 INR-10 NSAE-00 PA-04

USIA-15 PRS-01 SPC-03 SS-20 CPR-02 DRC-01 /160 W

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P 040300Z DEC 73

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC PRIORITY 1748

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJECT: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

REF.: USUN 5324

1. PURSUANT TO BETTAUER (USUN)-ALDRICH/FELDMAN (L)
TELCON, WE INFORMED GONZALEZ-GALVEZ DURING AFTERNOON MEETING
DEC 3 THAT USG COULD NOT ACCEPT "COMPROMISE" DESCRIBED REFTEL
AND THAT WE WOULD PREFER POSTPONEMENT TO VOTING ON IT.
GONZALEZ-GALVEZ AT END OF MEETING SAID HE DECIDED NOT
TO GIVE ANY SUMMARY OF SITUATION ON DIPLOMATS CONVENTION
UNTIL AFTERNOON DEC 4.

2. ALSO PURSUANT TO TELCON, WE CONSULTED WITH UK DEL AS
TO LANGUAGE ALONG LINE SUGGESTED PARA 5 OF REFTEL. UK
DELOFF PRODUCED FOLLOWING DRAFT, WHICH WE BOTH CONSIDERED
STRONGEST POSSIBLE WITH SOME CHANCE OF ACCEPTANCE: "IT IS
THE UNDERSTANDING OF THE COMMITTEE THAT NOTHING IN THE
RESOLUTION IS INTENDED TO SUGGEST THAT THERE MAY
BE CASES IN WHICH IT IS LEGITIMATE TO COMMIT ANY OF THE
CRIMES REFERRED TO IN ARTICLE 2 OF THE CONVENTION." UK
DEL SHOWED LANGUAGE TO MALI REP, WHO PROMISED TO CONSIDER.
UK DELOFF WILL CONTINUE ACTIVE CONSULTATIONS ON THIS
LANGUAGE MORNING DEC 4. COMMENT: USDEL CONSIDERS THIS
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LANGUAGE ACCEPTABLE. END COMMENT.

3. AT WEO MEETING EVENING OF DEC 3, GROUP REVIEWED VOTING SITUATION. ALL AGREED THAT IF ENTIRE PACKAGE IN A/C.6/L.965 (USUN 5304) PUT TO VOTE, THIS WOULD BE ACCEPTABLE AND ALLOW ALL TO VOTE YES OR ABSTAIN. ALL OPPOSED, BUT WITH DIFFERING DEGREES OF VIGOR, HAVING MERELY PART A (THE RESOLUTION) WITHOUT PART B (RESERVATIONS ARTICLE). IT WAS AGREED THAT THE UK (AND OTHERS) WOULD ATTEMPT TO PREVENT THIS GOING TO A VOTE AND WOULD SEEK POSTPONEMENT OF CONVENTION INSTEAD. IF THERE WAS NONE-THELESS A VOTE ON JUST PART A, FOLLOWING IS ANTICIPATED WEO VOTE: NO-US, UK, CANADA, PORTUGAL, SPAIN, FRANCE (?); NO OR ABSTAIN-ITALY, FRG; ABSTAIN-NZ, AUSTRIA, SWEDEN, NORWAY, DENMARK.

4. THERE WAS GENERAL AGREEMENT AT WEO MEETING THAT LANGUAGE CONTAINED PARA 2 ABOVE WAS ACCEPTABLE. SOME SUGGESTED IT BE PUT FORWARD PUBLICLY TO SHOW EXTENT OF WEO EFFORTS TO REACH COMPROMISE AND SQUARELY PLACE BLAME FOR FAILURE, BUT UPON CONSIDERATION IT DECIDED THAT, IF LANGUAGE NOT ACCEPTED PRIVATELY IN CONSULTATIONS, RISK OF ITS BEING DEFEATED IN A VOTE WERE TOO GREAT TO WARRANT PUTTING IT FORWARD AND HAVING LEGAL COMMITTEE REJECT SUBSTANCE OF THIS SENTENCE ON RECORD.
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